

CLASSIFICATION OFFICE DECISION

Title of publication: [Name Withheld] Single Image

Other known title(s): Image supplied by [Name Withheld]

OFLC ref: 1900326.000

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: English

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 21 August 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 21 August 2019

Summary of reasons for decision:

The image is a selfie that depicts a female whose face is only partially visible. She wears clothing but is exposing her pubis to the camera. The Classification Office has considered whether the publication promotes or supports, or tends to promote or support, the exploitation of young persons for sexual purposes in terms of s3(2)(a), and has concluded that it does not. The age of the subject is ambiguous. While she could be a young person she could just as easily be a young adult. The Classification Office notes that nude or partially nude selfies taken by children or young people are now ubiquitous in this era of camera phones and social media. Criminalising children or young people for this activity by making such images objectionable is not the intention of the Classification Office, nor is it in the interest of the public good. The unrestricted availability of the publication is however still likely to be injurious to the public good. There is potential for harm in exposing children and young teenagers to this type of selfie as it is likely to have an encouraging effect. The publication is therefore restricted those aged 16 years or older as this audience is likely to have the maturity and experience to recognise the potential consequences of producing and distributing such images. While this restriction limits the right to freedom of expression found in the New Zealand Bill of Rights Act 1990, it is considered reasonable and justifiable limitation in order to prevent injury to the public good.